

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**IN RE PAYMENT CARD
INTERCHANGE FEE AND MERCHANT
DISCOUNT ANTITRUST LITIGATION**

Case No. 05-md-01720 (MKB) (JO)

This Document Applies to:

ORAL ARGUMENT REQUESTED

7-Eleven, Inc., et al. v. Visa Inc., et al., No. 13-cv-05746 (E.D.N.Y.) (MKB) (JO);

The Home Depot, Inc., et al. v. Visa Inc., et al., No. 16-cv-05507 (E.D.N.Y.) (MKB) (JO);

Visa U.S.A. Inc., et al. v. Nat'l Ass'n of Convenience Stores, et al., No. 13-cv-03074 (E.D.N.Y.) (MKB) (JO);

Visa U.S.A. Inc., et al. v. The Home Depot, Inc., et al., No. 14-cv-00261 (E.D.N.Y.) (MKB) (JO);

Visa U.S.A. Inc., et al. v. Sears Holdings Corp., No. 14-cv-06450 (E.D.N.Y.) (MKB) (JO).

**VISA AND BANK DEFENDANTS' NOTICE OF MOTION
TO EXCLUDE IN PART THE SECTION 2 AND DEBIT OPINIONS
OF PROFESSOR JERRY HAUSMAN**

PLEASE TAKE NOTICE that, upon the accompanying (1) Visa and Bank Defendants' Memorandum in Support of the Motion to Exclude in Part the Section 2 and Debit Opinions of Professor Jerry Hausman and (2) Transmittal Declaration of Gary Carney in Connection with Defendants' Motions to Exclude Certain Opinions of Dennis Carlton, Robert Harris, Jerry Hausman, Robert Hutchins, Mansour Karimzadeh, Reto Kohler, Stephen Mott, Stephen Rowe,

Joseph Stiglitz, and David Stowell and exhibits attached thereto, the undersigned Defendants¹ will move this Court on a date and time to be designated by the Court, in the United States Courthouse, 225 Cadman Plaza East, Brooklyn, NY 11201–1818 for an Order pursuant to Federal Rules of Evidence 702 and 703 to exclude in part the opinions of Prof. Jerry Hausman, and for such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that Defendants request oral argument of this motion.

¹ As applicable, the undersigned defendants also make this motion in their capacities as declaratory judgment plaintiffs in the above-captioned cases.

Dated: June 1, 2020
New York, New York

Respectfully submitted,

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² Arnold & Porter Kaye Scholer LLP is counsel to the Visa defendants as to all plaintiffs in the *7-Eleven* Action except for Barnes & Noble, Inc., and Barnes & Noble College Booksellers LLC.

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³ Morrison & Foerster LLP is counsel for the Bank of America defendants as to all opt-out plaintiffs except for Academy Ltd., Beall's, Inc., Costco Wholesale Corp., Dillard's, Inc., Gap, Inc., GNC Holdings, Inc., and Michaels Stores, Inc., as to which opt-out plaintiffs Zeichner Ellman & Krause LLP is counsel for the Bank of America defendants.

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of June, 2020, I caused to be served a true and correct copy of the foregoing notice of motion and memorandum in support to be served on all counsel in the above-referenced action via FTP, per the parties' prior agreement.

/s/ Matthew A. Eisenstein

Matthew A. Eisenstein